

ORIGINAL

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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

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5 MICHAEL KAMBUROWSKI and GINA
6 KAMBUROWSKI,

7 Plaintiffs,

Civil Action

8 -against-

CV-05-953

9 MICHAEL KIDD, Deportation Officer,
10 U.S. Immigration & Customs
11 Enforcement, JOHN DOE I, Unknown
12 Deportation Officer, U.S. Immigration
13 & Customs Enforcement, JOHN DOE II,
14 Unknown Supervisory Deportation
15 Officer, U.S. Immigration & Customs
16 Enforcement and JOHN CARBONE, Acting
17 Field Director, U.S. Immigration &
18 Customs Enforcement,
19 Defendants.

20 -----
21 March 9, 2007

22 10:03 a.m.

23 Deposition of MICHAEL RAPHAEL KAMBUROWSKI, taken by
24 Defendants, pursuant to Notice, held at the United
25 States Attorney's Office, One Pierrepont Plaza,
Brooklyn, New York, before Robert E. Levy, a
Certified Shorthand Reporter and Notary Public
within and for the State of New York.

1 M. Kamburowski

2 A. I think it was the passport.

3 Q. Did you ever get or seek an extension of
4 the time that you were permitted to stay in the
5 U.S.?

6 A. I don't think I did, no.

7 Q. Did you stay in the United States beyond
8 October of 1995, the time that you thought your
9 tourist visa was valid?

10 A. Yes.

11 Q. Why did you stay in the U.S. beyond that
12 time?

13 A. I received an offer of work.

14 Q. Where was that at?

15 A. Americans For Tax Reform in Washington,
16 D.C.

17 Q. Now, based on your belief that the
18 tourist visa was valid until October 1995, what did
19 you think your immigration status was after October
20 1995?

21 A. I believed that it had expired, that I
22 was out of status, but through my employer I began
23 applying for an adjustment, an employment-based
24 visa.

25 Q. What did you think the consequences were

1. M. Kamburowski

2 States in October -- I'm sorry, on January 23, 1995,
3 did you provide the former Immigration and
4 Naturalization Service, which I'll be referring to
5 as the former INS, did you provide the former INS
6 with an address in the United States?

7 MR. MOSELEY: Objection as to form. Are
8 you asking at the time when he was admitted?

9 MR. KIM: Yes.

10 MR. MOSELEY: When he came through
11 whatever airport he came through, you are
12 asking at that time?

13 MR. KIM: Yes, I believe the question
14 was -- and I'll rephrase it.

15 Q. I'll repeat it. When you first arrived
16 in the U.S. on January 23, 1995, did you provide the
17 former INS with an address in the United States?

18 A. I gave my address at the airport at LAX
19 when I arrived.

20 Q. How did you give that address?

21 A. I believe it was a form that I had to
22 fill out giving my destination address in the United
23 States.

24 Q. Do you recall what that form was called?

25 A. No.

1. M. Kamburowski

2 Q. What address did you provide?

3 A. 3202 North Pershing Drive in Arlington,
4 Virginia.

5 Q. What did you believe that address to be
6 or to mean?

7 A. That was the address of the Sacher
8 Intern House run by the Leadership Institute.

9 Q. Why did you provide that address on the
10 form that you gave to the former INS?

11 A. Because that is where -- that was my
12 destination when I arrived in the United States.

13 Q. While at the Sacher Intern House, did
14 you have to pay for your room or have to pay any
15 expenses to stay there?

16 A. No.

17 Q. Is the Sacher House still at 3202 North
18 Pershing?

19 A. I believe so but I don't know.

20 Q. Do you know anyone there who is, who may
21 still be there that was there when you were there?

22 A. Actually I'm not sure it exists because
23 the Leadership Institute moved its offices to
24 Arlington, closer to Washington, and now I think
25 they have an intern facility in their office so it

M. Kamburowski

Q. Where is the copy of that lease?

A. If I have it, it would be in my files.

Q. Where are your files generally speaking?

A. Here in New York.

MR. MOSELEY: Just off the record.

(Discussion off the record)

Q. What was your phone number at 11-15
St. Nicholas?

A. 212-662 or 663-8356.

Q. Was that a land line?

A. Yes.

Q. Whose name was that phone number under?

A. Initially it was under Alison Pike's
name and then we changed it to either my name or my
wife's name or both. I don't remember.

Q. When you changed the name under which
the phone was under, did the phone number change?

A. No, we kept the same phone number.

Q. When you moved to 11-15 St. Nicholas did
you notify the U.S. Postal Service of your change of
address?

A. Yes.

Q. When you moved to 11-15 St. Nicholas did
you notify the former INS in any way of your change

1 M. Kamburowski

2 of address?

3 A. Not formally but we had filed paperwork
4 with our new attorney which had that address on it.

5 Q. Who was that attorney?

6 A. Michael DiRaimondo.

7 Q. When did you file?

8 A. I think February 2002, although the
9 actual filing I think was in May. That is when I
10 sat down with Michael and we decided to file what.

11 Q. What did you file in May 2002?

12 A. Adjustment of status based on marriage.

13 Q. Other than filing of that application,
14 did you notify the former INS in your view of your
15 change of address?

16 A. In my view I think that was notifying
17 the INS where I was at that time.

18 Q. Right, so other than the filing in May
19 of 05 -- I'm sorry, of '02, did you do anything else
20 to, in your view, notify the former INS of your
21 change of address?

22 A. Other than that, no.

23 Q. How long did you live at 11-15
24 St. Nicholas?

25 A. From June 22, 2001 until May, I'm trying

1 M. Kamburowski

2 23-19 42nd Street in Astoria, Queens. We had
3 physically separated.

4 Q. Can you repeat --

5 A. It is 28-19, I'm sorry.

6 Q. Can you provide the address where you
7 moved to after May 31, 2006?

8 A. 28-19 42nd Street, apartment D5,
9 Astoria, Queens, New York, 11103.

10 Q. How long did you live at 28-19 42nd
11 Street in Queens?

12 A. October 2006.

13 Q. Did you eventually move back in with
14 your wife?

15 A. Uh-huh.

16 Q. At the 23 East 128th Street?

17 A. Yes. I moved a lot of my things there
18 in October and then I went for work-related purposes
19 I went to the Dominican Republic for several months.

20 Q. When you first arrived in the United
21 States in January 1995, were you aware of any
22 requirements to notify the former INS of any change
23 of address?

24 A. When I first arrived? No.

25 Q. From January 1995 until today, did you

1 M. Kamburowski

2 at any time become aware of any requirement to
3 notify the former INS, now the Department of
4 Homeland Security or DHS, of any requirement to
5 change one's address?

6 A. Yes.

7 Q. When did you learn of that?

8 A. In 2004 when I was incarcerated.

9 Q. How did you learn about it?

10 A. Just during the course of the whole
11 ordeal. I learned there is a form that you file
12 with the former INS every time you move.

13 Q. Do you recall the name of the form?

14 A. No, I don't remember the name of the
15 form but I have filed it since then, every time I've
16 moved.

17 Q. How did you learn of this form?

18 A. Either through my attorneys, probably
19 through my attorneys.

20 Q. When you say your attorneys, do you mean
21 your current attorneys?

22 A. Yes.

23 Q. They advised you of what while you were
24 at Wackenhut?

25 MR. MOSELEY: I think we are getting

1. M. Kamburowski

2 A. I think my attorneys told me that it
3 would not be successful because we had gotten
4 divorced and so they advised me to file I think it
5 was Form I-751 or something, to remove the condition
6 of marriage from that. I don't know what the
7 technical terms of it are but since we were going to
8 get divorced, they advised me to file that new form
9 and hopefully that would help.

10 Q. Let me ask this question again. I'll be
11 a little more clear. Prior to today you had not
12 seen Defendants' Exhibit B, correct?

13 A. I don't recall seeing it.

14 Q. So prior to today, did you ever learn of
15 a decision either way on your application for
16 adjustment of status based on your marriage to
17 Ms. Sweat?

18 A. Yes, I did. I know that it was
19 successful because we had gotten divorced, so I was
20 advised that there may be another avenue by filing
21 this new form.

22 Q. When did you learn that it was
23 unsuccessful?

24 A. Sometime in '99. Don't recall exactly.

25 Q. Sometime in '99?

1. M. Kamburowski

2. A. Uh-huh.

3. Q. Early 1999, late 1999?

4. A. I don't remember. I know I got my
5. employment authorization early '99. Sometime after
6. that I probably would have learned that it wasn't
7. successful.

8. Q. How did you learn that it was
9. unsuccessful sometime in 1999?

10. A. Probably through my attorneys.

11. Q. Could you have learned that it was
12. unsuccessful through anyone other than your
13. attorneys?

14. MR. MOSELEY: Objection as to form.

15. Answer it.

16. A. No.

17. Q. Was there anyone else with knowledge of
18. the status of your application for adjustment of
19. status based on your marriage to Ms. Sweat?

20. A. No.

21. Q. By your attorneys do you mean Mr. Allen?

22. A. Yes.

23. Q. Did Mr. Allen personally tell you that
24. the application for adjustment of status based on
25. your marriage to Ms. Sweat was unsuccessful?

1 M. Kamburowski

2 A. Either way it was him or his wife
3 because his wife Susan Allen also was handling the
4 case at that stage, so it was either one of them.

5 Q. So either Mr. Allen or his wife
6 Ms. Allen told you that your application for
7 adjustment of status based on your marriage to
8 Ms. Sweat was not successful?

9 A. I believe so.

10 Q. Did they show you any documents that
11 showed that it was unsuccessful or did they just
12 tell you verbally?

13 A. I don't remember seeing any documents.
14 They may have but I don't remember.

15 Q. Do you recall where they told you this?

16 A. It would have been at their office.

17 Q. So it was your belief that sometime in
18 1999, your application for adjustment based on your
19 marriage to Ms. Sweat was unsuccessful?

20 A. Yes.

21 Q. What did you think the purpose of filing
22 the I-751 was?

23 A. To remove the condition of marriage from
24 the application.

25 Q. When you say to remove the condition of